Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	EB Docket No. 04-296
Review of the Emergency Alert System	)	

REPLY COMMENTS OF THE CONSUMER ELECTRONICS ASSOCIATION

The Consumer Electronics Association ("CEA")[1] submits these reply comments in the above-captioned proceeding in which the Commission is examining issues related to the Emergency Alert System ("EAS"), including how the EAS might be improved.[2] CEA commends the Commission's efforts to improve the EAS. CEA and its members are actively supporting improvements to the emergency alert devices used by consumers through its voluntary standards process, the activities of the Public Alert Technology Alliance, and marketing research. We also believe that an education campaign about the capabilities of EAS

[1] The Consumer Electronics Association is the principal U.S. trade association of the consumer electronics and information technologies industries. Our members design, manufacture, distribute and sell digital and analog television receivers, monitors and associated electronics such as digital video recorders ("DVRs"), video cassette recorders ("VCRs"), direct broadcast satellite radios ("DARS"), satellite television receivers ("DBS"), broadcast AM and FM radios, and similar products. Our members also design and manufacture unlicensed devices such as Wi-Fi network devices that connect personal computers, personal digital assistants ("PDAs") and laptops to peripheral devices and networks, cordless phones, baby monitors, and wireless headsets. CEA's more than 1,700 member companies include the world's leading consumer electronics manufacturers.

[2] *See Review of the Emergency Alert System*, Notice of Proposed Rulemaking, 19 FCC Rcd 15775 (2004).

and NOAA Weather Radio ("NWR") would lead to more citizens taking advantage of emergency alerts that are already available and result in greater public interest in additional capabilities for the future.[3]

THE EMERGENCY ALERT SYSTEM AND THE NOAA WEATHER RADIO TRANSMISSION NETWORK ARE COMPLEMENTARY AND PROVIDE A SOUND BASIS FOR DEVELOPING FUTURE IMPROVEMENTS TO EAS

In its Comments, CEA explained that NWR and the EAS are two separate delivery transmission networks that work as complementary systems. NWR is a network consisting of over 900 government owned-and-managed transmitters that are on the air around the clock providing nationwide coverage with weather and all-hazards emergency information. The National Response Plan assigns responsibility to NWR to broadcast non-weather emergency messages when public safety is involved, the message comes from an official government source and time is critical. Such all-hazards alert information includes warning and post-event information for all types of hazards – both natural (such as earthquakes and volcanic activity) and man-made (such as chemical releases and oil spills). Alerts also include terrorism warnings issued by federal authorities and child abduction alerts ("AMBER" alerts) issued by local authorities.[4] An equivalent system using the same encoding protocols operates in Canada.

In addition to broadcasting directly to the public, NWR transmissions are used by broadcast licensees and cable operators as the source for most of the emergency alerts that they carry pursuant to EAS. The Commission's approval for broadcasters and cable operators

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[3] *See, e.g.*, Comments of RadioShack Corporation at 4, 15-17; Comments of Midland Radio Corporation at ¶ 6.

[4] *See* All-Hazards Emergency Messages on NOAA Weather Radio, http://www.nws.noaa.gov/nwr/allhazard.htm (visited Nov. 23, 2004).

participating is EAS to rely upon the same event codes that are employed for NWR alerts has benefited the public by providing the means for accelerating dissemination of emergency alerts within the geographic areas affected by each incident.[5]

The concomitant expansion of alerts carried by NWR to include all types of hazards in addition to weather-related emergencies and acceptance of NWR event codes to notify broadcasters and cable operators have resulted in increased reliance by EAS participants on NWR as the source of weather and all hazards alerts. NWR is the primary source for emergency alert information used by EAS participants. This result builds upon the existing infrastructure for distribution and dissemination.[6] The complementary nature of the two separate systems has evolved in a manner that benefits consumers by immediately delivering alerts directly to the public and to EAS participants by NWR. This existing nationwide comprehensive system should be reinforced and used as the basis for future EAS improvements.

In our comments, we therefore suggested that the Commission's examination of improvements to EAS focus on the role of NWR, and that closer integration of EAS and NWR would improve dissemination of critical emergency information to the public and increase public awareness of these facilities and capabilities. Many commenters expressed agreement that more attention should be paid to the capabilities of NWR to reach the public directly and to facilitating the NWR and EAS systems working together, rather than considering the EAS distribution

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[5] *See Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System (EAS)*, EB Docket No. 01-66, Report and Order, 17 FCC Rcd 4055 (2002).

[6] Broadcasters and cable operators decide whether and how to carry specific alerts.

network in an isolated manner disconnected from how the public is alerted to emergencies today.[7]

As discussed above, the NWR delivery system today would be more appropriately named "all-hazards radio" than "weather radio." NWR has evolved to become an effective collection and distribution system estimated to originate more than 96 percent of all emergency alerts.[8] In addition to their use by EAS participants, these alerts are carried by NWR's own network of transmitters that independently broadcast directly to geographic areas covering an estimated 97 percent of the U.S. population.

The original EAS system was designed to quickly disseminate national emergency information as directed by the President, but fortunately has never had to be used for this purpose. Instead, EAS has evolved into a voluntary system in which broadcasters exercise discretion over which alerts to transmit and NWR is a critical component providing broadcasters almost immediate access to the emergency alerts. The penetration of NWR broadcasts has proven to be effective in alerting broadcasters and the public within seconds of dangers.

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[7] *See, e.g.,* Comments of RadioShack; Comments of Kenneth Rutkovich; Comments of the North Carolina State Emergency Communications Committee, at pp. 2-3: "The 'North Carolina State EAS Plan' requires that every broadcast station, above the level of LPFM, or cable station, must monitor their local area LP-1 and LP-2, and NWS radio to be considered a full participant in the North Carolina EAS plan. DHS has recently announced their plan to use the NWS as a method of delivering terror alerts, so this may become the method by which national information is distributed." Similarly, in its Comments at ¶ 57, the Society for Broadcast Engineers states that the national EAS message distribution system should be moved to satellites or NWR as a means to relay national level messages. *See also,* Comments of Gary E. Timm, Broadcast Chair, Wisconsin SECC at 4.

[8] In 2003, Thomson Inc. conducted tracking studies for more than 120,000 NOAA "notifications" (encoded advisories, statements, watch-level, and warnings) and tracked more than 40 NOAA weather forecast offices and many state emergency management agencies as they issued alerts over a 12 month period. During this period more than 96 percent of the total number of alerts were originated by NOAA.

Therefore as a practical matter, EAS alerts most often are originated on a local, regional, or state level using NWR facilities and then broadcast simultaneously directly to the public and to EAS participants. The NWR transmission occurs within seconds of an alert being issued. While NWR is merely a permissible optional source of alerts for EAS under the Commission's rules, NWR in fact has proven to be the most reliable source of emergency alerts at all levels. Its transformation from dissemination of weather information to its origination and carriage of alerts on all hazards and emergency events would justify formalizing its role in the national EAS hierarchy as the primary source of alerts.

THE PUBLIC ALERT™ INITIATIVE IS MEETING DEMONSTRATED INTEREST AND NEEDS

CEA also described in its Comments the attributes of its recently-adopted industry Public Alert™ standard for receivers, which is a voluntary standard with the flexibility to change as technological improvements are developed.[9] The Public Alert™ logo and certification initiative was launched earlier this year by an alliance of interested manufacturers and marketers of Public Alert™ devices and government agencies, including the National Oceanic and Atmospheric Administration ("NOAA"), the National Weather Service ("NWS"), Environment Canada and CEA. The members of this alliance work to draw public attention to new and existing devices so that citizens are better protected. Alliance members also review and analyze related technological developments so that future improvements to the alert system may be considered.

[9] *Receiver Performance Specification for Public Alert Receivers* (CEA-2009), approved December, 2003. The corresponding Public Alert™ Certification and Logo Program was launched in April, 2004.

Devices displaying the Public Alert™ logo provide direct access to government emergency information around the clock and have the ability to recognize specific alerts for specific geographic areas using Specific Area Message Encoding ("SAME") signals broadcast in the U.S. by the NWR network and in Canada by Environment Canada's Meteorological Service of Canada Weatheradio Network. The devices will respond to state and national level alerts in addition to local alerts.

In support of the Public Alert™ initiative, CEA Market Research recently concluded a Public Alert Interest and Awareness Study.[10] The following conclusions from this study highlight consumer awareness of the emergency alert system and its budding success in the marketplace.

- Awareness of the capability to equip consumer electronic devices with Public Alert™ is high, given its launch only earlier this year. Overall, almost half of U.S. adults are aware that devices can be equipped to receive automated alerts from government authorities.
- Despite the generally low fear of an event occurring that will affect them, most U.S. adults (82%) say having Public Alert™ capable devices is important.
- Interest in owning a Public Alert™ capable device is strong. About two-thirds (65%) of U.S. adults are interested in owning a device with this capability.
- Household penetration of All-Hazards and Weather Radios increased significantly between 2002 and 2004, from 13% to 17%.

Our study also found that most Americans look to their local broadcast network news to receive information regarding hazards that could affect them or their home. As the Commission states in its *Notice*, however, this depends upon the public actively viewing the television or

[10] This quantitative study of a random national sample of 1,014 adults in the United States during September, 2004, was conducted by telephone interviews using industry standard random-digit dialing ("RDD"). *See* CEA Market Research, *Public Alert Interest and Awareness Study* (October, 2004).

listening to radio when the emergency alert is issued. During many periods of the day most viewers and listeners are not viewing or listening, or even within range of their television or radio, even assuming that electric power is not disrupted by the event rendering these devices inoperable.

Under such circumstances, Public Alert™ receivers with back-up power and small battery-operated Public Alert™ receivers tuned to NWR, in combination with television and radio broadcast stations also tuned to NWR, best perform the function of initial notification to the widest audience. NWR is both a direct source of information to the public and a source of alerts to broadcasters for further dissemination.

SPECIFIC RECEIVER MANDATES WOULD BE COUNTER-PRODUCTIVE TO IMPROVING DEVICES AS NEW TECHNOLOGIES ARE DEVELOPED

As described in our comments, CEA's Public Alert™ standard provides a mechanism by which receivers automatically turn on when emergency alerts "relevant" to the consumer are broadcast. The consumer determines what events are relevant by programming the receiver with location and event preferences. Additional alerting capabilities also are provided to assist the hearing impaired and blind, such as flashing lights, loud alarms, and text display. Although the standard was approved only seven months ago (in April, 2004), equipment already is reaching the competitive marketplace with these capabilities. Consumers can purchase devices today at a reasonable cost and receive the alerting service desired, including event-specific alerts and automatic activation. As Midland Radio stated in its comments: ". . . there is no need nor reason for the Commission to impose regulatory authority to force EAS to operate as an

'automatic alert system,' because [NWR] is already capable of providing that function using established and proven technology."[11]

The Commission in the *Notice* asks whether consumer electronics devices should be capable of being addressed and activated when an alert is issued. As discussed above, these capabilities are included in the Public Alert™ voluntary standard and readily available in receivers beginning at retail prices less than $40.[12] To the extent that the Commission's suggestion envisioned mandatory standards or requirements, such government-mandated standards would disserve the public. With technology ever changing, government mandates of this nature all too quickly become outmoded. The rulemaking process needed to update such standards often lasts longer than the life cycle of the technology employed. As TFT, Inc. noted, manufacturers will adjust their products in response to marketplace demands,[13] and with increased public attention to the benefits of security alerts, better equipment employing new technologies and functionalities can be expected. Rapidly implementing such improvements will be facilitated and reach the public faster than otherwise due to the voluntary nature and flexibility of the CEA receiver standard and the incentives inherent in competition among manufacturers of Public Alert™ devices.

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[11] Comments of Midland Radio Corporation at ¶ 2.

[12] *See, e.g.*, Comments of RadioShack Corporation at 9. A variety of radios, including Public Alert™ compliant sets, are available at many retail stores such as RadioShack and Target. For an example inventory, see: http://www.weatherradiostore.com/ (visited November 23, 2004).

[13] Comments of TFT, Inc. at 15.

For a variety of relevant reasons, a number of Commenters opposed related suggestions to impose mandatory automatic tuning of receivers or signals to alerts. We are concerned that receivers operate as intended by their owners, and that consumers not be forced to bear the extra costs to have all the multiple receivers in a typical home activated when an alert is broadcast. A number of Commenters expressed variations of this same thought, including equipment manufacturers and broadcasters.[14]

In addition, it would not be in the public interest to require consumers to bear the additional cost and inconvenience of each of the typically 10-15 receivers of various kinds in many homes to automatically activate upon receiving an alert. One of the most negative and foreseeable consequences of required activation of so many devices would be the possible desensitization of the public to alerts if over-the-air tests and alerts not of interest to the consumer repeatedly are received.

A more useful and timely role for the federal government would be to launch an education campaign to inform the public about the recent expansion of NWR encoded broadcasts and the availability of receivers that will activate only for warnings of types selected by the consumer and which relate only to the consumer's geographic location. Such an education campaign would increase America's knowledge of and reliance on NWR technology, without stifling innovation or placing unnecessary cost burdens on consumers.

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[14] *See, e.g.*, Comments of NAB and MSTV at 17; Comments of Midland Radio Corporation at ¶ 6; Comments of The National Center for Missing & Exploited Children at p.10; Comments of the Society of Broadcast Engineers at ¶ 104; Comments of TFT, Inc. at ¶ 15; Comments of the Ohio Association of Broadcasters at 14.

CONCLUSION

CEA believes that the NWR/EAS collaboration works well and should be the basis for further improvement, rather than replacement. Doing so will facilitate and continue the most effective means of reaching the public with emergency alerts. With regard to features and improvements to receiving devices, CEA believes that competition rather than federal mandates will ensure that new services and technologies quickly reach the public at reasonable cost.

Respectfully Submitted,

CONSUMER ELECTRONICS ASSOCIATION

Michael D. Petricone, Esq.
Vice President, Technology Policy
Julie M. Kearney, Esq.
Senior Director, Regulatory Affairs
2500 Wilson Boulevard
Arlington, VA 22201
Tel: (703) 907-7644

David R. Siddall, Esq.
PAUL, HASTINGS, JANOFSKY & WALKER LLP
1299 Pennsylvania Avenue, NW
Tenth Floor
Washington, DC 20004
Tel: (202) 508-9519

Counsel to the Consumer Electronics Association

November 29, 2004